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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,562	03/20/2001	Terence E. Lister	10011600-1	2707

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EXAMINER

TRUONG, CAMQUY

ART UNIT	PAPER NUMBER
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2127

DATE MAILED: 07/09/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/813,562

Applicant(s)

LISTER ET AL.

Examiner

Camquy Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. Claims 1-20 are presented for examination.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The current title is imprecise.
3. It is noted that although the present application does contain line numbers in the specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the examiner and Applicant all future correspondence should include the recommended line numbering.
4. The cross reference related to the application cited in the specification must be updated (i.e. update the relevant status, with PTO serial numbers or patent numbers where appropriated, on page 2 of the preliminary amendment filed on 5/17/2001).
5. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the

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embedded hyperlink and/or other form of browser-executable code (e.g. see.

Page 3, line 14). See MPEP § 608.01.

6. To insure proper consideration and to the extent required by 37 CFR 1.56, applicant is required to supply a copy of the publication reference cited in the specification because it is not readily available to the examiner (e.g. see page 3, lines 11-12).

7. Claim 15 is objected to because of the following informalities: "programs" in line 2 should be "programmed". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

8. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The following terms lack proper antecedent basis:

The commands – claim 10;

b. The claim language in the following claims is not clearly understood:

i. As to claims 1 and 18, it is not clearly indicated what “comprising” (i.e. “executing tools” or “service control manager module” that comprising); lines 1-2, it is uncertain what the relationship is among the nodes, SCM and tools. (i.e. each node has tool for executing a SCM); lines 4-9, it is not clearly understood who perform the step of “retrieving tool definition”, “creating a runnable tool” and “passing runnable tool” (i.e. user, agent or nodes). Line 8, (claim 1), line 7 (claim 18), it is uncertain who pass the runnable tool to agents (e.i. the distributed task facility or clients).

ii. As to claim 7, it is unclear who perform the “collecting” step (i.e. user, agent or nodes).

iii. As to claim 9, it is not clearly understood what consist in “individual target statuses” (i.e. the request from user, nodes or tasks status). Where is this Individual target statuses locates? (i.e. in the distribute task facility or domain manager).

iv. As to claim 15, it is not clearly indicated what “comprising” (i.e. “executing tools” or “service control manager module” that comprising);

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lines 13-14, it is uncertain what the relationship is among clients, the nodes, SCM and tools. (i.e. SCM module consist in clients);lines 15-17 it not clearly understood how domain manager know what to return and base on what (i.e. the request from user).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 4, 6-12 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitner et al. (US. Patent 6,148,323).

10. As to claims 1 and 18, Whitner teaches the invention substantially as claimed including: A method for executing tools in a service control manager (SCM) module, comprising:

Receiving a request from a user to run a tool (col.3, lines 51-52; col.6, lines 48-51) on one or more nodes (col. 3, lines 66-67;col.4, lines 1-2), the request includes task information (col.3, lines 52-54; col.10, lines 36-42);

Retrieving tool definition (col.3, lines 55-56), node definition, user definition from domain manager (col. 8, lines 1-4);

Creating a runnable tool based on the task information and tool definition (col.3, lines 57-60);

Distributed task facility issues a task identifier base on the runnable tool and return task results to distributed task facility (col.10, lines 36-40/ col. 10, lines 63-67); and

Passing the runnable tool to agents associated with the nodes, wherein the agents execute the runnable tool and return task results (col. 3, lines 66-67/ col. 4, lines 1-5).

11. Whitner does not explicit teach that the runnable tool is passing to distributed task facility. However, Whitner teaches the system that would distributed tasks to multiple computer systems to be performed (col. 1, lines 51-52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include passing the runnable tool in Whitner's system because passing runnable tool would improve the flexibility of distributed task facility function in carry out the request from users.

12. As to claims 4 and 19, Whitner teaches the receiving step includes receiving the request through a client, wherein the client is a program that interacts with the user and displays information on computer systems that reside on the nodes (col. 8, lines 57-60/ col. 8, lines 66-67).

13. As to claim 6, whitner teaches the receiving step includes receiving the request from a command line interface (col. 8 lines 66-67).

14. As to claim 7, Whitner teaches collecting the task results from agents (col.5, lines 5-7), returning the task results to the user (col. 6, lines 49-50).

15. As to claim 8, Whitner teaches collection failure reports from agents (col. 4, lines 4-5). The above information implies that the error status of the task and any resultant data is being collected first before returning to the calling program.

16. As to claim 9, Whitner teaches updating individual target statues (col. 15, lines 17-20).

17. As to claim 10, Whitner teaches collecting target outputs that contain an exit code, a standard output, or a standard error output that result from running the commands associated with the tool on the nodes (col.13, lines 1-8).

18. As to claim 11, Whitner teaches updating an overall task status (the remote tasks checking for error conditions, timeouts, and task completion, (col. 14, lines 61-67/ col. 15, lines 1-8/col. 14, lines 39-42).

19. As to claim 12, Whitner teaches displaying the task results on a computer screen (col. 6, lines 40-42).

20. As to claim 14, Whiner teaches writing the task results to a file or to a directory, wherein the directory contains one file for each node requested and the results for each node are written to the corresponding file in the directory (col. 11, lines 40-43/ col. 13, lines 25-26).

21. As to claim 15, it is rejected for the same reason as claim 1. In addition Whitner teaches clients that are programs interaction with users and displaying information on the computer systems that reside on nodes (col. 8, lines 57-59; col. 6, lines 39-41).

22. As to claim 16, Whiner teaches the DTF receives the runnable tool from the clients through task manager interfaces, wherein the task manager interfaces are call by the clients to perform a task, to cancel or kill a task, or monitor task status operation (col.8, lines 56-67/ col. 14, lines 63-67).

23. As to claim 17, Whitner teaches the agents receive the runnable tool from DTF through target liaison interface, wherein the target liaison interfaces are used by the agents to communicate with the DTF in order to process assigned tasks (col.4, lines 56-60/ col.5, lines 1-7).

24. As to claim 20, whitner teaches returning target output that contain an exit code a standard output, or standard error output that result from running the commands associated with the tool on the nodes (col.12, lines 62-65 / col. 13, lines 1-4).

25. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Whitner et al (US. Patent 6,148,323) in view of Russell (US. 5455953).

26. As to claim 3, Whitner does not teach checking user authorization to run the tool. However Russell teaches authorization information for a client requesting access to a server resource in a server (abstract).

27. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teachings of Whitner and Russell because Russell's authorization information for a client would improve the

integrity of Whitner et al 's system by allowing only access to resources by authorized clients.

28. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Whitner et al (US. Patent 6,148,323) in view of Fields et al. (US. 6,412,008 B1).

29. As to claim 5, Whitner does not teach receiving the request from graphical user interface client. However, Fields teaches requesting client typically includes graphical user interface (col. 4, lines 7-8).

30. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Whitner and Fields because Fields' graphic user interface client is known to be easier to move data from one application to another and it would be desirable to perform the customization the most efficient manner possible.

31. Claims 2 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitner et al (US. Patent 6,148,323) in view of Galis et al. (US. 5,175,800).

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32. As to claim 2, Whitner does not teach validating the task information received from the user; however, Galis teaches validate information provided by human user is validated (col.47, lines 66-67).

33. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Whitner and Galis because Galis' validate task would prevent any errors or inconsistencies in the input data received.

33. As to claim 13, Galis teaches that reports are available to the human user via either the screen or printer (col. 58, lines 55-57).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camquy Truong whose telephone number is (703) 305 - 8888. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 703-305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

Camquy Truong

June 22, 2004



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